

*House International Relations Committee
Subcommittee on Africa, Global Human Rights
And International Operations*

**“I’ll be back”
Charles Taylor and the Future of Liberia**

Testimony of

David M. Crane¹
Distinguished Visiting Professor of Law
Syracuse University
College of Law

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INTRODUCTION

Mr. Chairman and other distinguished members of this sub-committee, good afternoon. I appreciate the opportunity to come before you and talk about the tenuous future of a struggling democracy, the Republic of Liberia.

Before I do that, however, I want to recognize the tremendous, steadfast, and bi-partisan support this committee has given me professionally, politically, and personally during my tenure as the founding Chief Prosecutor of the world’s first hybrid international war crimes tribunal in West Africa, the Special Court for Sierra Leone. For three years we *all* worked together to face down impunity in West Africa and to seek justice for the murder, rape, maiming, and mutilation of approximately 500,000 Sierra Leoneans ruined in a type of civil war over a period of ten years of brutal and sadistic fighting on all sides.² I am here to tell you, Mr. Chairman, that you and your esteemed colleagues, to include Chairman Hyde and the ranking democratic member, Mr. Lantos, as well as the bi-partisan Human Rights Caucus of the

¹ Former founding Chief Prosecutor, Special Court for Sierra Leone 2002-2005. Professor Crane indicted then sitting President Charles Taylor for 17 Counts of War Crimes and Crimes against Humanity.

² This was most evident in the tremendous bi-partisan effort embodied in House Resolution 127, May 2005 where the House of Representatives called for Charles Taylor to be handed over to the Special Court for Sierra Leone by a vote of 420-1. All the people of West Africa were heartened by this call for action. HR 127 followed a similar call for the hand over of Charles Taylor by the European Parliament in February of 2005. That resolution passed that body 95-0.

House of Representatives, have made a difference in West Africa.³ From my heart, thank you all.

If I may, Mr. Chairman, I would also like to recognize the incredibly important role non-governmental organizations played and continue to play in supporting the work of the Special Court. We could not have accomplished what we have thus far without their counsel, perspectives, advice, and political support. Additionally, the group of interested states who have provided the much needed financial support necessary to run a modern day international war crimes tribunal is very much appreciated as well.⁴ Of those states, the United States, under the leadership of a bi-partisan Congress, has been our biggest supporter.⁵

I also want to recognize, for the record, if I might, the quiet and steady support of my wife, Judith Ponder Crane, a public servant, who represents the wonderful families who allowed us to do our important work in West Africa. As you know an assignment to the Special Court is an unaccompanied post. Without her, and the other families, the Special Court would not be the success it is today.⁶

WE CAN CHANGE THE COURSE OF HISTORY!

We have a chance to change the course of history for the better in West Africa. I believe the Special Court for Sierra Leone placed the international community on the correct path, a path of truth and justice. The opportunity presented to us today is to show the people of West Africa, all of Africa in large measure, that they matter, that we care, and that they are not alone. During my many town hall meetings throughout Sierra Leone, where I stood before my client and listened to them tell me about the horrors that took

³ Additionally, the dedicated and professional staff of the House International Relations Committee was very effective in sustaining political and financial backing for the Office of the Prosecutor throughout my tenure in Freetown. Each of them was magnificent.

⁴ Under the guidance of the UN sponsored Management Committee (consisting of the UN secretariat, the United States, Canada, Great Britain, Sierra Leone, Nigeria, and the Netherlands) there are around 31 nations who contribute money, goods, and services to the Special Court for Sierra Leone.

⁵ The United States Congress needs to ensure that the Special Court for Sierra Leone remains properly funded throughout its remaining months. This tribunal is a model for efficiency and effectiveness, costing the international community only an average of \$25 million per year, compared to the \$125-130 million each of the current ad hoc tribunals cost per year. It is contemplated that the Special Court will be done with its work in West Africa in 2007, just 5 years from its beginning.

⁶ Of the 70 persons in the Office of the Prosecutor who worked there in Freetown, a vast majority stayed with me for over three years, all having left their families behind. Their dedication to the rule of law was a daily inspiration for me.

place in their town, village, district or province; I told them three things: that the law is fair, no one is above the law, and that the rule of law is more powerful than the rule of the gun.⁷

When I arrested 6 of the 13 individuals I indicted, in a textbook 55 minute arrest operation throughout Sierra Leone in Operation Justice, March 2003, to include the Minister of Interior at his desk, there was dancing in the streets.⁸ The people of Sierra Leone began to believe that no one was above the law.

When we opened the three joint criminal trials against the leadership of the Civil Defense Force, the Revolutionary United Front, and the Armed Forces Revolutionary Council, over a period of time, the people of West Africa saw that the law was fair.⁹ And when I unsealed that 17 count indictment against President Charles Taylor for the atrocities he committed on the people of West Africa; stripping the most powerful warlord in Africa of that power with the simple stroke of a pen; the people of this embattled region of the world realized that the rule of law was more powerful than the rule of the gun.¹⁰ For the first time in his life, Charles Taylor ran into an immovable

⁷ The Office of the Prosecutor Town Hall Program became the cornerstone of the now world famous Special Court Outreach Program, led by a Sierra Leonean, Binta Manserey and a team of outreach officers in each district of Sierra Leone. In the first 4 months of my tenure in Sierra Leone, I literally walked the entire countryside listening to the people of Sierra Leone by the tens of thousands. In the remaining years, I traveled frequently up-country to report back to them the progress of their tribunal and to listen to their concerns, questions, and issues. After all this was their tribunal and they were going to have to live with the result.

⁸ Part of our overall strategic plan, preparation for Operation Justice began in October of 2002, just three months after our arrival. The plan was executed on 10 March 2003 with the tremendous support of the Sierra Leonean Police, the UN Peacekeeping force in Sierra Leone, the United Kingdom, as well as the United States. The Sierra Leonean Police made all of the arrests, assisted by investigators from the Office of the Prosecutor of the Special Court. After the arrests, the 6 indictees were whisked away to a temporary detention facility on Bonthe Island, put together by the Office of the Registrar in UN and US provided MI-8 helicopters. The HMS Iron Duke, from the British Navy, arrived to provide stability should additional forces prove to be needed. They were not. The tactical surprise was absolute and no one was killed or injured. As I told the press and the people of West Africa that afternoon at a press conference, on 10 March, the people of Sierra Leone will wake up tomorrow to a new Sierra Leone. It was a special moment for them.

⁹ According to my prosecutorial strategy, all of the leadership, those who bore the greatest responsibility for what took place in Sierra Leone, were grouped into two, and then three joint trials representing all of the major fighting factions in the civil war.

¹⁰ The indictment signed in a moving ceremony on 3 March 2003, in my office in Freetown, Sierra Leone, is attached as an appendix. I told the assembled trial counsel and investigators that “the ghosts of a hundred thousand Sierra Leoneans are in this room right now.” The unsealing of the indictment against Charles Taylor on the day he arrived in Accra, Ghana for the peace talks in June of 2003 was a calculated move on my part to publicly strip, in front of the world, this warlord of his power by my signature on the indictment. It was never intended to force his transfer that day to the tribunal, though we would have accepted him and were ready to arraign him on the charges within the indictment immediately. My intent was to humble and

object—the victims of this tragedy, who shouted never again and no more. Humbled and beaten, he fled to a type of political limbo in Calabar, Nigeria.

Charles Taylor has been the catalyst of most of the human tragedy and political instability of the region, backed by his compatriots, Col. Muammar Abu Minyar al-QADHAFI of Libya and President Blasé Camporie of Burkina Faso, among other criminal elements.¹¹ That relationship with these two heads of state and the resultant political instability still remains. Overlay Taylor's continued meddling in the affairs of the region, to include the attempted assassination of President Conte of Guinea in 2005, attest to his determination to do what he promised as he was escorted up the steps of that Nigerian airliner, in August of 2003, with various presidents of several African countries, that *he would be back*. He meant it then and he means it to this day. He will be back.

Charles Taylor knows the western world, to include the United States, better than we do ourselves. He is relatively young, wealthy, influential, and has a supportive base militarily and politically within Liberia and the Mano River Region.¹² Taylor knows that the west, particularly this country, will never send its sons and daughters to West Africa to stabilize a faltering Liberia. Currently, the United Nations has a large peacekeeping force there, under

humiliate him before his peers, the leaders of Africa and to serve notice to Taylor and others that the days of impunity in Africa were over. Taylor is the first African head of state ever to be indicted for war crimes and crimes against humanity and only the second in history. His indictment paved the way for the eventual election of Ellen Johnson Sirleaf as the first fairly elected President of Liberia, and also the first African woman ever to be elected a head of state. It must be noted that the United States was given a copy of the Taylor indictment two months before I unsealed it in June of 2003. It was personally given to Walter Kansteiner, then the Assistant Secretary of State for Africa at a breakfast meeting in April of 2003 with the US Ambassador, Peter Chavez at his home in Freetown. Another copy was given to Pierre Prosper, the Ambassador at Large for War Crimes Issues as well. All parties were warned 24 hours in advance of the unsealing while Taylor was in Accra. The government of Ghana was served with the indictment and the warrant of arrest the morning of the unsealing of Taylor's indictment.

¹¹ According to close sources who acted as lead witnesses during our investigation of Taylor and those involved in the joint criminal enterprise that destroyed two countries and threatened a third, the Ivory Coast; Taylor, Foday Sankoh, Campore, and Qadhafi, apparently sat down and developed a secret plan to undermine the current governments within West Africa and then replace them with surrogates, such as Taylor, who were beholden to Qadhafi. This plan remains in place to this day. I chose not to indict Qadhafi and Campore only because of evidentiary issues and the practical reality of indicting two more heads of state within West Africa which would have politically undermined the work of the tribunal. However, I did choose to name Qadhafi within the Taylor indictment as a key member of the joint criminal enterprise. Within the American criminal system Qadhafi would have been what we call an un-indicted co-conspirator. He remains a threat to West Africa.

¹² This support is found mainly in Lofa County, Taylor's home county and where he started his reign of terror back in 1989-90. As of the summer of 2005, our sources reported that there was a battalion size element standing by to do his bidding.

the able leadership of Alan Doss, one of the United Nation's best career diplomats; yet they are not going to be there forever.¹³ I posit that five years from now, when the international community is challenged by other crises, Taylor, in Calabar, under the protection of Nigeria, will make his move.¹⁴ We will wake up one morning and watch on CNN as Taylor rides triumphantly down the main street in Monrovia to the executive mansion, daring all of us to come get him. Unless he is handed over to the Special Court for Sierra Leone, this scenario is not out of the realm of possibility. More importantly, the people of West Africa know it all too well, that Taylor is a street fighter, a thug, and a survivor.

The fact is, as we consider changing history, together, we can stop this from happening today, right now. We've got Taylor; it is just a matter of turning him over to the Special Court for Sierra Leone for a fair trial.

HOW DO WE DO ASSURE LIBERIA'S FUTURE?

Ultimately, what we do about Charles Taylor in the next several weeks will determine the fate of Liberia and the new administration of its President Ellen Johnson Sirleaf. Charles Taylor hangs like a dark and ominous cloud over this ravaged country which he personally, for his own criminal gain, destroyed, as he did Sierra Leone. There will be no prospect for peace in Liberia or the Mano River region¹⁵, as long as he remains outside the

¹³ Alan Doss was the Deputy Special Representative of the Secretary General (DSRSG) in Sierra Leone through most of my tenure as Chief Prosecutor, 2002-2005. His quiet support was instrumental in the success of Operation Justice. I never briefed his boss, the SRSR, Oluwemi Adeniji (currently the Foreign Minister of Nigeria) on any of my operations related to the investigations as I did not trust him. He did not like the presence of the Special Court in Sierra Leone. Just a month before Operation Justice, Adeniji tried to quietly sneak two of the targeted indictees out of Sierra Leone. I sent a message through Alan Doss to Adeniji that I would prosecute him for obstruction of justice if he did so. It did not happen. Adeniji was never told about Operation Justice until it was over. As Foreign Minister, Adeniji remains a serious stumbling block in the handover of Taylor to the tribunal.

¹⁴ President Olusegun Obasanjo of Nigeria was induced by the United States, the United Kingdom, with the concurrence of the United Nations Secretary General, Kofi Annan, to take Taylor out of Liberia and place him in Calabar. Initially, I supported this, even calling for his removal from Liberia, now that he was indicted. It was important that the peace process move forward and Liberia stabilize. But it has now been over two years, peace is at hand with a new government (contemplated by the Accra Peace Accord), and it is now time for this handover by the Nigerian government. I only hope the President of Nigeria has the moral courage to do so, something lacking in many African leaders today.

¹⁵ The Mano River region consists of Guinea, Liberia, and Sierra Leone. The Mano River Union was formed initially in 1973. Due to conflict and internal strife it was largely defunct until being reactivated at a summit May of 2004. Each of these countries is so tied together culturally, politically, and

custody of the international tribunal in Freetown. In my opinion, nothing constructive can be developed in the long term in Liberia, unless Charles Taylor is accounted for and turned over to the Special Court. It is that simple. Again, he will be back.

Here is my suggested roadmap for a successful beginning for Liberia:

First: Hand Charles Taylor over the Special Court for Sierra Leone for a fair trial.¹⁶ This takes him out of the local and regional dynamic that is West Africa.¹⁷ The new president can move forward confident that Charles Taylor is not lurking in the shadows undermining her initial efforts to develop a legitimate and accountable government in Monrovia. This has to happen first, *and now*, or the rest of my suggestions and recommendations, and the ones you are considering for Liberia's future, will be a waste of time, money, and effort.¹⁸

Second: Tie any financial and political support to good governance in Liberia.¹⁹ I am impressed with early attempts to restore respect for the government by the new president. This has to be continued and earmarking any aid to specific programs that enhance good governance is a must.²⁰

Third: Encourage the new administration in Liberia to establish the Truth and Reconciliation Commission called for in the earlier peace accords of 2003.²¹ The victims of any atrocity need to be able to tell their story,

economically, where one falters or fails, the others do as well. In all of West Africa, this grouping of three nations is the Achilles heal of West Africa. The supposed goal is to foster economic opportunity.

¹⁶ Legally there is no impediment for the handover. The Appellate Chamber of the Special Court for Sierra Leone, in a landmark ruling of *Prosecutor v. Taylor*, May 2004, ruled that Charles Taylor has no head of state immunity that absolves him of his war crimes and crimes against humanity thus paving the way for his handover. The next legal step is his handover and arraignment on the charges, followed by pretrial motions and then trial.

¹⁷ There are two aspects to West Africa, the West Africa we see and the West Africa that is. We must deal with the West Africa that is in order to ensure a better future for Liberia.

¹⁸ The hundreds of millions of dollars the international community, to include the United States, has invested in Liberia's future could be siphoned off to line the pockets of greedy Liberian politicians. This apparently was the case in the transitional government led by Gyude Bryant.

¹⁹ This Congress has already sent letters to the Bush administration essentially stating that any future aid to Liberia should be tied to a hand over of Charles Taylor to the Special Court for Sierra Leone. This Committee has been instrumental in this effort.

²⁰ President Sirleaf just this past week (2 February 2006) sent a strong signal that she will not stand for corruption by firing numerous individuals within the Finance Ministry. However, she will have a huge challenge in the guise of the Liberian legislature as there are numerous Taylor supporters within that body.

²¹ Article XIII, Comprehensive Peace Agreement in Accra, Ghana 18 August 2003.

officially. It is an important part of reconciliation for a country in transition from war to peace. It worked in Sierra Leone and it can in Liberia.²² Recall, that what took place in Liberia over a period of ten years under the iron fist of Charles Taylor caused the murder, rape, maiming, and mutilation of around 600,000 Liberians.²³ The victims, their families, and towns need to tell the world what happened there. A truth commission can assist in this and to allow them to begin to put the horror behind them.

Fourth: Within the next few years or so, another hybrid war crimes tribunal needs to be established to account for the war crimes and crimes against humanity committed by Charles Taylor and his henchmen from 1990-2003 *in Liberia*. As most of these atrocities took place outside the jurisdiction of the International Criminal Court, an alternate model must be used. That model is the hybrid concept that proved to be so successful next door in Sierra Leone. The domestic court system in Liberia is incapable of accomplishing this task.²⁴ Liberia, working together with the international community and under the auspices of the United Nations, can account for what Charles Taylor did to his own countryman. *Note that these are separate conflicts with consequent war crimes and crimes against humanity.* Charles Taylor has destroyed two nations, not just one! He must be prosecuted for any crimes he is alleged to have committed in Liberia, after he is tried for what he did in Sierra Leone. Couple both of these conflicts together and Charles Taylor, sitting as a free man in Nigeria, is individually criminally responsible for the destruction of 1.2 million human beings.

If one then takes these four recommendations, justice, truth, good governance, and the rule of law, the future of Liberia as a new democracy

²² During my sit downs with the people of Sierra Leone they stood up and described crimes that are beyond description in any language. They knew that the very persons that actually committed the atrocities would not be prosecuted before the tribunal as those who bore the greatest responsibility, yet they wanted some type of official record of what happened to their family member(s). A truth commission can do that. I encouraged them to go before the truth and reconciliation commission to tell their story. They did by the thousands.

²³ This number is approximate as the true number can never be known due to lack of accounting or a proper census. This figure could be off as much as 25% either way, yet the numbers are still massive and tragic.

²⁴ As stated in a report on Liberia in 2005 by Amnesty International at page 10, : *May 2005, local observers were concerned at the slow progress in addressing the lack of qualified personnel and that recruitment, vetting and training of judicial personnel was not taking place. On the 28 June the transitional government commissioned eleven circuit court judges and six specialized court judges. The judges will serve in criminal and specialized courts in Montserrado County and in circuit and specialized courts in eight other counties. Prior to the commissioning of these judges there had only been 11 circuit court judges in the country yet there had been 21 posts to fill. At least 7 of them had been of retirement age or in poor health. Funding has been promised by the US Department of State, although it is unclear when it will be available.*

may be less cloudy and tenuous. To have a sustainable peace in Liberia you must have truth and justice, under the mantle of the rule of law and good governance. It is a simple A plus B equals C proposition—truth plus justice equals a sustainable peace. Certainly with this equation, Congress could be more assured that any funding and political capital expended would not be flushed down the drain.

There are many other challenges ahead for Liberia: Corruption, so endemic in all of West Africa; the abuse of natural resources; a whole lost generation of children to war as child soldiers; and international terrorists moving about the entire region, among many other concerns.²⁵ These very real challenges will require the United States to monitor, for years to come, how the Liberian government manages its legal, political, and financial assets.

Accountability is the key. Make that government accountable to its people and its international backers.²⁶ I respectfully ask this Committee to tie any future monetary aid to accountability and good governance. This approach will allow proper expenditures of US taxpayer's hard earned money.

CONCLUSION—TURN CHARLES TAYLOR OVER TO THE SPECIAL COURT OR THERE WILL BE NO REAL FUTURE FOR LIBERIA

In conclusion, I would ask this committee to continue to forcefully urge the Bush administration, and the new president in Liberia, to demand that Nigeria hand over war crimes indictee Charles Taylor to the Special Court to answer for his crimes. Nothing else that follows can happen with any assurance of success without it. In this period of time when we celebrate and recognize the principles laid down at Nuremberg 60 years ago, we must resolve as human beings who care about humanity and the rule of law, that there cannot be an African exception to those principles.

²⁵ For three years the Office of the Prosecutor carefully developed an information asset system throughout the region providing essential evidence, criminal information, and intelligence. Several of these assets are placed very close to the various actors in the joint criminal enterprise. Over time they have proven to be 75-80% accurate, and in some cases completely so. These sources helped us uncover evidence that Charles Taylor harbored Al Qaeda terrorists, and Hamas, in Monrovia for years, to include, we allege, several of the terrorists who brought down the US embassies in Tanzania and Kenya to include, apparently, [Abdullah Ahmed Abdullah](#) and [Sheikh Ahmed Salim Swedan](#). One well placed source has Charles Taylor dealing with an operative in Burkina Faso as late as 6 April of 2005 named [Fazul Abdullah Mohammed](#). All of this information has been passed to appropriate governments and law enforcement agencies.

²⁶ Believe me, the trick to getting a West African leader's attention is cash, plain and simple.

If I may, Mr. Chairman, I would like to close my remarks with an excerpt from my opening statement in the joint criminal trial against the leadership of the Revolutionary United Front in July of 2004. As I read this to the Committee, **Charles Taylor, we allege, is individually criminally responsible for what took place, as described below, at Penduma...**

In 1999, another witness in Koidu will testify that when RUF and AFRC rebels drove the Kamajors from the town they began to burn the houses of Koidu. The witness and his family fled to a nearby village. The RUF rebels followed them in a number of trucks filled with young women. The rebel commander took the 16 year old sister of the witness. He declared loudly that he was going to take her as his wife. The witness tried to protect his younger sister, but was told he would be killed. The rebels left with around ten girls from the town, the youngest being 12. His younger sister was kept by the rebels for four long years.

The witness will further testify that upon hearing that ECOMOG troops had taken Koidu town the family decided to return, walking for four days. When they reached Penduma village it was overrun with armed RUF rebels. Twenty civilians who attempted to flee were shot dead. The rest of the survivors were grouped together and told to wait for the commander. Upon arrival the commander addressed the frightened civilians saying to them, "so you are the supporters of Tejan Kabbah." They were separated into three groups the witness will declare: first, pregnant women, suckling mothers and children; second, men and boys; and third females—teenagers to grandmothers. Twenty-five men and women were picked out at random from the last two groups. The commander gave the order, "Una take them. Make una burn dem." These civilians were placed in a house which was set on fire by the rebels. All of them were burned alive while the others were forced to listen to their agonized screams.

The commander then pointed at the group of females. There were around twenty. The wife of the witness was one of them. The women were raped in front of everyone. The witness will testify that he and his children were forced to watch while his wife and their mother was raped by eight different RUF rebels before she was stabbed to death with a bayonet by the last RUF rapist. Why does he recall there being eight rapists, he will be asked, because the witness had to count out loud the number as they tore into his wife. Two other women were likewise gang raped and then murdered. Note,

while this is taking place, twenty-five human beings are roasting to death in a burning house, their cries adding to this true living hell on earth.

Fifteen of the men were marched away by rebels armed with knives. Two who attempted to run were shot. The remaining had their throats cut.

Incredibly, the witness and eight others remained. Each of them was called forward and had a hand cut off. When the witness attempted to retrieve his severed hand he was struck in the back with a bayonet. The commander of the rebels told the witness to go to Tejan Kabbah.²⁷

Thank you for this chance to provide my humble perspectives and I look forward to your questions and continued efforts in bringing Charles Taylor to justice, accounting for the destruction of over a million West Africans, and building a new democracy in that part of the world.

²⁷ The Opening Statement of David M. Crane, Chief Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, in an Amended Consolidated Indictment, Case no. SCSL—2004-15-PT, 5 July 2004; Freetown, Sierra Leone.

Appendix

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL – 03 – I

THE PROSECUTOR

Against

CHARLES GHANKAY TAYLOR also known as

CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR

INDICTMENT

The Prosecutor, Special Court for Sierra Leone, under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute) charges:

**CHARLES GHANKAY TAYLOR also known as
(aka) CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR**

with CRIMES AGAINST HUMANITY, VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II and OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, in violation of Articles 2, 3 and 4 of the Statute as set forth below:

THE ACCUSED

1. CHARLES GHANKAY TAYLOR aka CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR (the ACCUSED) was born on or about 28 January 1948 at Arthington in the Republic of Liberia.

GENERAL ALLEGATIONS

2. At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone. For the purposes of this Indictment, organized armed factions involved in this conflict included the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC).

3. A nexus existed between the armed conflict and all acts or omissions charged herein as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as Other Serious Violations of International Humanitarian Law.

4. The organized armed group that became known as the RUF, led by FODAY SAYBANA SANKOH aka POPAY aka PAPA aka PA, was founded about 1988 or 1989 in Libya. The RUF, under the leadership of FODAY SAYBANA SANKOH, began organized armed operations in Sierra Leone in March 1991. During the ensuing armed conflict, the RUF forces were also referred to as "RUF", "rebels" and "People's Army".

5. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and AFRC.

6. On 30 November 1996, in Abidjan, Ivory Coast, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement which brought a temporary cessation to active hostilities. Thereafter, the active hostilities recommenced.

7. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of the Republic of Sierra Leone via a coup d'état on 25 May 1997. Soldiers of the Sierra Leone Army (SLA) comprised the majority of the AFRC membership. On that date JOHNNY PAUL KOROMA aka JPK became the leader and Chairman of the AFRC. The AFRC forces were also referred to as "Junta", "soldiers", "SLA", and "ex-SLA".

8. Shortly after the AFRC seized power, at the invitation of JOHNNY PAUL KOROMA, and upon the order of FODAY SAYBANA SANKOH, leader of the RUF, the RUF joined with the AFRC. The AFRC and RUF acted jointly thereafter. The AFRC/RUF Junta forces (Junta) were also referred to as "Junta", "rebels", "soldiers", "SLA", "ex-SLA" and "People's Army".

9. After the 25 May 1997 coup d'état, a governing body, the Supreme Council, was created within the Junta. The governing body included leaders of both the AFRC and RUF.

10. The Junta was forced from power by forces acting on behalf of the ousted government of President Kabbah about 14 February 1998. President Kabbah's government returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued.

11. On 7 July 1999, in Lomé, Togo, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement. However, active hostilities continued.

12. The **ACCUSED** and all members of the organized armed factions engaged in fighting within Sierra Leone were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 12 August 1949, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986.

13. All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996.

14. All acts and omissions charged herein as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.

15. The words civilian or civilian population used in this Indictment refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

INDIVIDUAL CRIMINAL RESPONSIBILITY

16. Paragraphs 1 through 15 are incorporated by reference.

17. In the late 1980's **CHARLES GHANKAY TAYLOR** received military training in Libya from representatives of the Government of MU'AMMAR AL-QADHAFI. While in Libya the **ACCUSED** met and made common cause with FODAY SAYBANA SANKOH.

18. While in Libya, the **ACCUSED** formed or joined the National Patriotic Front of Liberia (NPFL). At all times relevant to this Indictment the **ACCUSED** was the leader of the NPFL and/or the President of the Republic of Liberia.

19. In December 1989 the NPFL, led by the **ACCUSED**, began conducting organized armed attacks in Liberia. The **ACCUSED** and the NPFL were assisted in these attacks by FODAY SAYBANA SANKOH and his followers.

20. To obtain access to the mineral wealth of the Republic of Sierra Leone, in particular the diamond wealth of Sierra Leone, and to destabilize the State, the **ACCUSED** provided financial support, military training, personnel, arms, ammunition and other support and encouragement to the RUF, led by FODAY SAYBANA SANKOH, in preparation for RUF armed action in the Republic of Sierra Leone, and during the subsequent armed conflict in Sierra Leone.

21. Throughout the course of the armed conflict in Sierra Leone, the RUF and the AFRC/RUF alliance, under the authority, command and control of FODAY SAYBANA SANKOH, JOHNNY PAUL KOROMA and other leaders of the RUF, AFRC and AFRC/RUF alliance, engaged in notorious, widespread or systematic attacks against the civilian population of Sierra Leone.

22. At all times relevant to this Indictment, **CHARLES GHANKAY TAYLOR** supported and encouraged all actions of the RUF and AFRC/RUF alliance, and acted in concert with FODAY SAYBANA SANKOH and other leaders of the RUF and AFRC/RUF alliance. FODAY SAYBANA SANKOH was incarcerated in Nigeria and Sierra Leone and subjected to restricted movement in Sierra Leone from about March 1997 until about April 1999. During this time the **ACCUSED**, in concert with FODAY SAYBANA SANKOH, provided guidance and direction to the RUF, including SAM BOCKARIE aka MOSQUITO aka MASKITA.

23. The RUF and the AFRC shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise.

24. The joint criminal enterprise included gaining and exercising control over the population of Sierra Leone in order to prevent or minimize resistance to their geographic control, and to use members of the population to provide support to the members of the joint criminal enterprise. The crimes alleged in this Indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise.

25. The **ACCUSED** participated in this joint criminal enterprise as part of his continuing efforts to gain access to the mineral wealth of Sierra Leone and to destabilize the Government of Sierra Leone.

26. **CHARLES GHANKAY TAYLOR**, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1. of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Indictment, which crimes the **ACCUSED** planned, instigated, ordered, committed or in whose planning, preparation or execution the **ACCUSED** otherwise aided and abetted, or which crimes were within a

joint criminal enterprise in which the **ACCUSED** participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which the **ACCUSED** participated.

27. In addition, or alternatively, pursuant to Article 6.3. of the Statute, **CHARLES GHANKAY TAYLOR**, while holding positions of superior responsibility and exercising command and control over his subordinates, is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute. The **ACCUSED** is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the **ACCUSED** failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

CHARGES

28. Paragraphs 16 through 27 are incorporated by reference.

29. At all times relevant to this Indictment, members of the RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF), supported and encouraged by, acting in concert with and/or subordinate to **CHARLES GHANKAY TAYLOR**, conducted armed attacks throughout the territory of the Republic of Sierra Leone, including, but not limited, to Bo, Kono, Kenema, Bombali and Kailahun Districts and Freetown. Targets of the armed attacks included civilians and humanitarian assistance personnel and peacekeepers assigned to the United Nations Mission in Sierra Leone (UNAMSIL), which had been created by United Nations Security Council Resolution 1270 (1999).

30. These attacks were carried out primarily to terrorize the civilian population, but also were used to punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly providing support to the Kabbah government or to pro-government forces. The attacks included unlawful killings, physical and sexual violence against civilian men, women and children, abductions and looting and destruction of civilian property. Many civilians saw these crimes committed; others returned to their homes or places of refuge to find the results of these crimes - dead bodies, mutilated victims and looted and burnt property.

31. As part of the campaign of terror and punishment the AFRC/RUF routinely captured and abducted members of the civilian population. Captured women and girls were raped; many of them were abducted and used as sex slaves and as forced labour. Some of these women and girls were held captive for years. Men and boys who were abducted were also used as forced labour; some of them were also held captive for years. Many abducted boys and girls were given combat training and used in active fighting. AFRC/RUF also physically mutilated men, women and children, including amputating their hands or feet and carving "AFRC" and "RUF" on their bodies.

**COUNTS 1 - 2: TERRORIZING THE CIVILIAN POPULATION AND
COLLECTIVE PUNISHMENTS**

32. Members of the AFRC/RUF supported and encouraged by, acting in concert with and/or subordinate to CHARLES GHANKAY TAYLOR committed the crimes set forth below in paragraphs 33 through 58 and charged in Counts 3 through 13, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone, and did terrorize that population. The AFRC/RUF also committed the crimes to punish the civilian population for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide sufficient support to the AFRC/RUF.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 1: Acts of Terrorism, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.d. of the Statute;

And:

Count 2: Collective Punishments, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.b. of the Statute.

COUNTS 3 - 5: UNLAWFUL KILLINGS

33. Victims were routinely shot, hacked to death and burned to death. Unlawful killings included, but were not limited to, the following:

Bo District

34. Between 1 June 1997 and 30 June 1997, AFRC/RUF attacked Tikonko, Telu, Sembahun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians;

Kenema District

35. Between about 25 May 1997 and about 19 February 1998, in locations including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

Kono District

36. About mid February 1998, AFRC/RUF fleeing from Freetown arrived in Kono District. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF

unlawfully killed several hundred civilians in various locations in Kono District, including Koidu, Tombodu, Foindu, Willifeh, Mortema and Biaya;

Bombali District

37. Between about 1 May 1998 and 31 July 1998, in locations including Karina, members of AFRC/RUF unlawfully killed an unknown number of civilians;

Freetown

38. Between 6 January 1999 and 31 January 1999, AFRC/RUF conducted armed attacks throughout the city of Freetown. These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city, including the State House, Parliament building, Connaught Hospital, and the Kissy, Fourah Bay, Upgun, Calaba Town and Tower Hill areas of the city.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 3: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Article 2.b. of the Statute;

In addition, or in the alternative:

Count 4: Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

Count 5: Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute.

COUNTS 6 - 8: SEXUAL VIOLENCE

39. Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists. Acts of sexual violence included, but were not limited to, the following:

Kono District

40. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh,

Fokoiya, Wonedu and AFRC/RUF camps such as "Superman camp" and Kissi-town (or Kissi Town) camp. An unknown number of women and girls were abducted from various locations within the District and used as sex slaves;

Bombali District

41. Between about 1 May 1998 and 31 July 1998, members of AFRC/RUF raped an unknown number of women and girls in locations such as Mandaha. In addition, an unknown number of abducted women and girls were used as sex slaves;

Kailahun District

42. At all times relevant to this Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence. Many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the District, and used as sex slaves;

Freetown

43. Between 6 January 1999 and 31 January 1999, members of AFRC/RUF raped hundreds of women and girls throughout the Freetown area, and abducted hundreds of women and girls and used them as sex slaves.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 6: Rape, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

And:

Count 7: Sexual slavery and any other form of sexual violence, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

In addition, or in the alternative:

Count 8: Outrages upon personal dignity, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.e. of the Statute.

COUNTS 9 - 10: PHYSICAL VIOLENCE

44. Widespread physical violence, including mutilations, was committed against civilians. Victims were often brought to a central location where mutilations were carried out. These acts of physical violence included, but were not limited to, the following:

Kono District

45. Between about 14 February 1998 and 30 June 1998, AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including Tombodu, Kaima (or Kayima) and Wonedu. The mutilations included cutting off limbs and carving "AFRC" and "RUF" on the bodies of the civilians;

Freetown

46. Between 6 January 1999 and 31 January 1999, AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, including the northern and eastern areas of the city, and the Kissy area, including the Kissy mental hospital. The mutilations included cutting off limbs.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 9: Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

Count 10: Other inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute.

COUNT 11: USE OF CHILD SOLDIERS

47. At all times relevant to this Indictment, throughout the Republic of Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities. Many of these children were first abducted, then trained in AFRC/RUF camps in various locations throughout the country, and thereafter used as fighters.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 11: Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.c. of the Statute.

COUNT 12: ABDUCTIONS AND FORCED LABOUR

48. At all times relevant to this Indictment, AFRC/RUF engaged in widespread and large scale abductions of civilians and use of civilians as forced labour. Forced labour included domestic labour and use as diamond miners. The abductions and forced labour included, but were not limited to, the following:

Kenema District

49. Between about 1 August 1997 and about 31 January 1998, AFRC/RUF forced an unknown number of civilians living in the District to mine for diamonds at Cyborg Pit in Tongo Field;

Kono District

50. Between about 14 February 1998 and 30 June 1998, AFRC/RUF forces abducted hundreds of civilian men, women and children, and took them to various locations outside the District, or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wonedu, Tomendeh. At these locations the civilians were used as forced labour, including domestic labour and as diamond miners in the Tombodu area;

Bombali District

51. Between about 1 May 1998 and 31 July 1998, in Bombali District, AFRC/RUF abducted an unknown number of civilians and used them as forced labour;

Kailahun District

52. At all times relevant to this Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour;

Freetown

53. Between 6 January 1999 and 31 January 1999, in particular as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted hundreds of civilians, including a large number of children, from various areas within Freetown, including Peacock Farm and Calaba Town. These abducted civilians were used as forced labour.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 12: Enslavement, a **CRIME AGAINST HUMANITY**, punishable under Article 2.c. of the Statute.

COUNT 13: LOOTING AND BURNING

54. At all times relevant to this Indictment, AFRC/RUF engaged in widespread unlawful taking and destruction by burning of civilian property. This looting and burning included, but was not limited to, the following:

Bo District

55. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces looted and burned an unknown number of civilian houses in Telu, Sembahun, Mamboma and Tikonko;

Kono District

56. Between about 14 February 1998 and 30 June 1998, AFRC/RUF engaged in widespread looting and burning in various locations in the District, including Tombodu, Foindu and Yardu Sando, where virtually every home in the village was looted and burned;

Bombali District

57. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces burned an unknown number of civilian buildings in locations such as Karina;

Freetown

58. Between 6 January 1999 and 31 January 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown. The majority of houses that were destroyed were in the areas of Kissy and eastern Freetown; other locations included the Fourah Bay, Upgun, State House and Pademba Road areas of the city.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 13: Pillage, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.f. of the Statute.

COUNTS 14 - 17: ATTACKS ON UNAMSIL PERSONNEL

59. Between about 15 April 2000 and about 15 September 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to locations within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 14: Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.b. of the Statute;

In addition, or in the alternative:

Count 15: For the unlawful killings, Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

Count 16: Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

Count 17: For the abductions and holding as hostage, Taking of hostages, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.c. of the Statute.

Dated this 3rd day of March 2003
Freetown, Sierra Leone

David M. Crane
The Prosecutor